

SANBAG Contract No. 04-060-02

by and between

San Bernardino County Transportation Authority

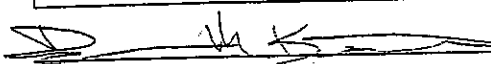
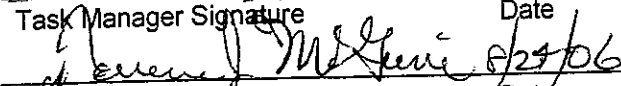
and

State of California, Department of Transportation

for

Cooperative Agreement for I-215, Segment 1 Right of Way Work

FOR ACCOUNTING PURPOSES ONLY				
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # <u>08-1247 A/2</u> Vendor ID <u>CDOT</u>	Retention: <input type="checkbox"/> Yes ____ % <input checked="" type="checkbox"/> No	<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment	
Notes:				
Original Contract: \$ <u>3,953,462</u>		Previous Amendments Total: \$ <u>4,250,075</u>		
Contingency Amount: \$ ____		Previous Amendments Contingency Total: \$ ____		
		Current Amendment: \$ <u>6,000,000</u>		
		Current Amendment Contingency: \$ ____		
Contingency Amount requires specific authorization by Task Manager prior to release.				
Contract TOTAL →				\$ <u>14,203,537</u>
↓ Please include funding allocation for the original contract or the amendment.				
Task	Cost Code	Funding Sources	Grant ID	Amounts
<u>836C4060</u>	<u>5580</u>	<u>Federal PNRS</u>	____	<u>\$ \$4,800,000</u>
<u>836C4060</u>	<u>5580</u>	<u>Meas. I Valley Major Projects</u>	____	<u>\$ \$1,200,000</u>
____	____	____	____	\$ ____
____	____	____	____	\$ ____
Original Board Approved Contract Date: <u>5/5/04</u>		Contract Start: <u>5/5/04</u>		Contract End: <u>6/30/08</u>
New Amend. Approval (Board) Date: <u>8/2/06</u>		Amend. Start: <u>8/2/06</u>		Amend. End: <u>6/30/12</u>
If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:				
Approved Budget Authority →	Fiscal Year: ____ \$ ____	Future Fiscal Year(s) – Unbudgeted Obligation →		\$ ____
Is this consistent with the adopted budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If yes, which Task includes budget authority? ____				
If no, has the budget amendment been submitted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
CONTRACT MANAGEMENT				
Please mark an "X" next to all that apply:				
<input checked="" type="checkbox"/> Intergovernmental <input type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local				
Disadvantaged Business Enterprise: <input type="checkbox"/> No <input type="checkbox"/> Yes ____%				
Task Manager: Darren Kettle			Contract Manager: Dennis Saylor	


7-24-06
 Task Manager Signature Date

 Chief Financial Officer Signature Date


7/24/06
 Contract Manager Signature Date

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

AGREEMENTS BRANCH (MS 971)
464 WEST 4TH STREET, 6TH FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 388-7143
FAX (909) 383-6253



Flex your power!
Be energy efficient!

August 21, 2006

04-060-02
TN 836

AUG 23 2006

Mr. Darren Kettle
Director of Freeway Construction
San Bernardino Associated Governments
1170 West 3rd Street, 2nd Floor
San Bernardino, CA 92410-1715

08-SBd-215-KP 10.8/12.4 (PM 6.7/7.7)
Widen for HOV lane and operational
Improvements and modify/replace
Interchanges from Rialto Ave to 9th St.
EA 0071A1 and EA0071C1
(Formerly EA 0071U1)
District Agreement No. 8-1247 A/2

Dear Mr. Kettle:

Enclosed for your records are two (2) executed Cooperative Agreements between the State of California and the San Bernardino Transportation Authority for the above-referenced project.

If you need more information, please contact me at (909) 388-7143.

Sincerely,

HIEP BUI
Office Chief
Agreements/Oversight

Enclosure

c: Joe Meraz, Program/Project Management

ne shbi

AUG 23 2006

08-SBd-215-KP 10.8/12.4 (PM 6.7/7.7)
Widen for HOV lane and operational
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EA 0071A1 and EA0071C1
(Formerly EA 0071U1)
District Agreement No. 8-1247 A/2

AMENDMENT NO. 2 TO AGREEMENT

This AMENDMENT NO. 2 to AGREEMENT, entered into effective on August 21, 2006, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," and the

SAN BERNARDINO COUNTY TRANSPORTATION
AUTHORITY, a public entity, referred to herein as
"AUTHORITY."

RECITALS

1. The parties hereto entered into Agreement 8-1247 (Document No. 015860) on May 5, 2004, said Agreement defining the terms and conditions of a project to purchase Right of Way for the widening of Interstate 215 (I-215) to provide for one High Occupancy Vehicle (HOV) lane in each direction and operational improvements consisting of modifying existing interchanges and modifying existing exit and entrance ramps on I-215 through the City of San Bernardino from Rialto Avenue to 9th (Ninth) Street in San Bernardino County, referred to herein as "PROJECT."
2. The parties hereto also entered into an Amendment No. 1 to Agreement No. 8-1247 (Document No. 015860) on February 2, 2005, to have additional Congestion Mitigation and Air Quality (CMAQ) funds and local Measure match funds made available for Right of Way purchase.
3. Said Amendment No. 1 sets AUTHORITY's total PROJECT obligation at \$8,203,537 and it has been determined that AUTHORITY's total PROJECT obligation will exceed that amount.
4. AUTHORITY now intends to use Projects of National and Regional Significance (PNRS) funds in addition to CMAQ funds and local Measure match funds for Right of Way purchase.

5. Due to Federal and State laws, rules, and policies, it is necessary to clarify how the proceeds from excess land sales will be transferred.
6. It has also been determined that PROJECT will not be completed prior to the termination date of said Agreement therefore the termination date shall be extended by this Amendment.

IT IS THEREFORE MUTUALLY AGREED:

1. RECITALS, Article 4 of the original Agreement is replaced in its entirety to read as follows:

"AUTHORITY is willing to pay for Right of Way capital for PROJECT up to a maximum amount of \$14,203,537 by direct billing. A list of anticipated parcels to be acquired is attached as Revised Attachment 1, dated January 21, 2004. This list of parcels is given for reference but is not meant to be exclusive of other high priority parcels that may be required on an urgent basis."
2. RECITALS, Article 7 of the original Agreement is replaced in its entirety to read as follows:

"AUTHORITY intends to seek Congestion Mitigation and Air Quality (CMAQ) and Projects of National and Regional Significance (PNRS) reimbursement for work as it is completed. AUTHORITY will use Measure I funding for the direct billing by STATE and seek CMAQ and PNRS reimbursement for these expenditures less the local match portion."
3. SECTION II, "AUTHORITY AGREES," Article 1 of the original Agreement is replaced in its entirety to read as follows:

"To pay one hundred percent (100%) of the total actual Right of Way acquisition cost for PROJECT, up to a maximum of \$14,203,537. If it becomes apparent that the total maximum cost for Right of Way for PROJECT will exceed the maximum amount programmed for expenditure, AUTHORITY shall work promptly and in cooperation with STATE to determine necessary additional costs and the source of the additional funds and have this Agreement amended to reflect the contribution of additional costs."
4. SECTION III, "IT IS MUTUALLY AGREED," Article 3 (a) and (b) of the original Agreement are replaced in entirety to read as follows:

"(a) In the acquisition of right of way pursuant to this Agreement, STATE may acquire at AUTHORITY's expense an entire parcel, or a greater portion of a parcel than that required for project, of real property to avoid payment of high severance damages. Any such acquired excess properties shall be disposed of in accordance with STATE's standard operating procedures. All net proceeds received from the disposal of said excess properties purchased solely with local Measure funds shall be transferred to AUTHORITY.

(b) Notwithstanding Paragraphs 3 (a) and 3 (c) of this section, the existing I-215 STATE-owned right of way will be incorporated as necessary into the PROJECT right of way at no cost to AUTHORITY. Existing STATE-owned right of way, which becomes

excess as a result of PROJECT will, subject to California Transportation Commission (CTC) approval, be exchanged, if appropriate, for privately owned required property."

5. Section III, "IT IS MUTUALLY AGREED," Article 8 of the original Agreement is replaced in its entirety to read as follows:

"This Agreement shall terminate upon the completion of the R/W acquisition for PROJECT and reimbursement of funds from excess property sales to AUTHORITY, if appropriate, or on June 30, 2012, whichever is earlier in time."

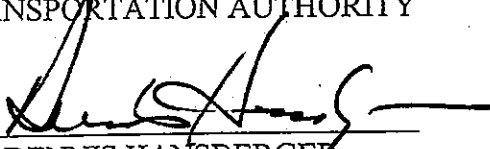
6. The other terms and conditions of said Agreement No. 8-1247 (Document No. 015860) shall remain in full force and effect.
7. This Amendment No.2 to Agreement is hereby deemed to be a part of said Agreement No. 8-1247 (Document No. 015860).

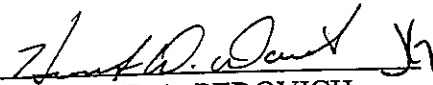
SIGNATURES ON FOLLOWING PAGE:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

WILL KEMPTON
Director

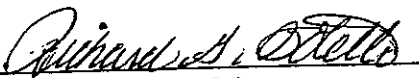
SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

By: 
DENNIS HANSBERGER
Board President


By: 
for MICHAEL A. PEROVICH
District Director

Attest: 
VICKI WATSON
Board Secretary

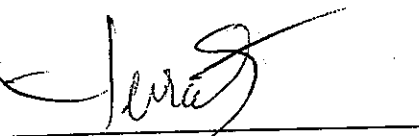
CERTIFIED AS TO FUNDS:

By: 
District Budget Manager

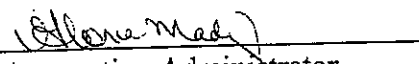
APPROVED AS TO FORM AND
PROCEDURE:

By: 
JEAN-RENE BASLE
Legal Counsel

APPROVED AS TO FORM AND
PROCEDURE:

By: 
Attorney,
Department of Transportation

CERTIFIED AS TO PROCEDURE:

By: 
for Accounting Administrator

REVISED ATTACHMENT 1

Sequence No. 8, dated 01/21/2004. This FNM76 is submitted to revise acquisition, RAP and demolitions estimates for EA submitted and authorized under Sequence 6.

EA 0071A				
Parcel No.	Acquisition	RAP	Demolition	Estimate \$
18804-1	\$3,274,682	\$100,000	\$60,000	\$3,434,682
19602-1	\$30,000	\$0	\$0	\$30,000
19607-1	\$30,000	\$0	\$0	\$30,000
19608-1	\$1,300	\$0	\$0	\$1,300
19616-1	\$10,000	\$0	\$0	\$10,000
18800-1	\$540,000	\$20,000	\$40,000	\$600,000
18801-1	\$143,000	\$0	\$10,000	\$153,000
19624-1	\$14,800	\$0	\$0	\$14,800
18575-1	\$150,000	\$30,000	\$20,000	\$200,000
18808-1	\$130,000	\$10,000	\$10,000	\$150,000
18809-1	\$167,000	\$10,000	\$10,000	\$187,000
18810-1	\$116,000	\$10,000	\$10,000	\$136,000
18811-1	\$5,600	\$0	\$0	\$5,600
19797-1	\$12,000	\$0	\$0	\$12,000
19798-1	\$625,000	\$25,000	\$50,000	\$700,000
17915-1	\$625,000	\$25,000	\$50,000	\$700,000
17916-1	\$120,000	\$10,000	\$10,000	\$140,000
17920-1	\$120,000	\$10,000	\$10,000	\$140,000
17923-1	\$120,000	\$10,000	\$10,000	\$140,000
18584-1	\$120,000	\$10,000	\$10,000	\$140,000
18587-1	\$120,000	\$10,000	\$10,000	\$140,000
18588-1	\$13,000	\$0	\$0	\$13,000
18814-1	\$120,000	\$10,000	\$10,000	\$140,000
18816-1	\$120,000	\$10,000	\$10,000	\$140,000
18817-1	\$120,000	\$10,000	\$10,000	\$140,000
18818-1	\$112,000	\$40,000	\$15,000	\$167,000
19613-1	\$389,000	\$0	\$0	\$389,000
17914-1	\$621,035	\$0	\$0	\$621,035
17915-1	\$625,000	\$25,000	\$50,000	\$700,000
18566-1	\$1,487,637	\$600,000	\$60,000	\$2,147,637
18806-1	\$243,344	\$30,000	\$20,000	\$293,344
18812-1	\$283,093	\$30,000	\$20,000	\$333,093
19621-1	\$38,500	\$0	\$0	\$38,500
19626-1	\$126,400	\$0	\$0	\$126,400
19627-1	\$312,537	\$60,000	\$30,000	\$402,537
19628-1	\$352,693	\$90,000	\$30,000	\$472,693
19629-1	\$398,093	\$120,000	\$40,000	\$558,093
Subtotal	\$4,488,332	\$955,000	\$250,000	\$13,746,714

EA 0071C				
Parcel No.	Acquisition	RAP	Demolition	Estimate \$
20017	\$56,500	\$0	\$0	\$56,500
Subtotal	\$56,500	\$0	\$0	\$56,500
Grand Total	\$4,544,832	\$955,000	\$250,000	\$13,803,214

- San Bernardino County Transportation Commission
- San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency
- Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 20

Date: August 2, 2006

Subject: Approve Amendment 2 to Cooperative Agreement No 04-060 with Caltrans for Interstate 215 Right of Way Capital funding

Recommendation:*

1. Approve Amendment 2 to Cooperative Agreement No. 04-060 with Caltrans for Interstate 215 Right of Way Capital funding. The amendment amount is \$6 million for a total contract amount of \$14.2 million as detailed in the Financial Impact Section, and
2. Approve amendment to FY 2006-07 Budget increasing revenues and expenditures in Task 83607000 (I-215 Right Of Way) in the amount of \$6 million. Funding source is \$4.8 million of federal SAFETEA-LU funds and \$1.2 million of Measure I Valley Major Projects funds to meet local match requirement.

Background:

This is an amendment to an existing cooperative agreement. In May 2006 the Board approved a fund exchange agreement with the Inland Valley Development Agency in which the two agencies agreed to a dollar for dollar exchange of federal Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy to Users (SAFETEA-LU) funds for Measure I Valley Major projects funds. Before SANBAG can obligate SAFETEA-LU funds to I-215 Right of Way Acquisition, it is necessary to amend the current cooperative agreement with Caltrans to show these funds being dedicated to that purpose. This amendment to an existing agreement with Caltrans is the ministerial action necessary to utilize federal SAFETEA-LU funds for the purpose of purchasing right of way for the I-215 widening project.

Financial Impact: This item is not consistent with the SANBAG 2006/07 fiscal year budget. A budget amendment is necessary to increase revenues and expenditures in Task

*

Approved
Board of Directors

Date: August 2, 2006

Moved: Nuaimi

Second: Yates

In Favor: 23

Opposed: 0

Abstained: 0

Witnessed: [Signature]

83607000 (I-215 Right Of Way) in the amount of \$6 million. Funding source is \$4.8 million of federal SAFETEA-LU funds and \$1.2 million of Measure I Valley Major Projects funds to meet local match requirements. TN 83607000.

Reviewed By: This item has not received prior policy committee review, due to deadlines to obligate federal SAFETEA-LU funds.

Responsible Staff: Darren Kettle, Director of Freeway Construction